

Clear & Objective Proposed Amendments - Batch 1

December 16, 2018 - DRAFT

Proposed text in ***bold italic***

Proposed deletions in [~~bracketed strike-out~~]

Information describing the proposed code change is provided below each section. Please refer to the [Draft Preferred Concepts Report](#) for more detailed information on the referenced issues.

Definitions

9.0500 **Definitions.** As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Pedestrian. Any person afoot or using any type of wheelchair.

This change implements the recommendation for COS-20 (Pedestrian Definition), to add a definition for the term 'pedestrian' based on the Oregon Revised Statutes (ORS) definition with a minor modification. ORS defines pedestrian as "any person afoot or *confined in a wheelchair*." [Emphasis added] The minor modification is to replace "confined to a wheelchair" with "using any type of wheelchair."

Commercial Zones

9.2181 **Special Standards for Table 9.2180.**

- (1) Lot area, frontage, and width minimums may be adjusted in accordance with the provisions of EC 9.8030(1). Modifications may be approved through a planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective."

Employment and Industrial Zones

9.2471 **Special Standards for Table 9.2470.**

- (1) Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.8030(1) of this land use code. Modifications may be approved through a site review or planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for

approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria – General/Discretionary.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called “General/Discretionary.”

Natural Resource Zone

9.2520 Natural Resource Zone Land Use and Permit Requirements. The provisions of the NR zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas. In cases where the NR zone overlaps with the /WB wetland buffer overlay zone or the /WP waterside protection overlay zone, only the provisions of the NR zone are applied.

(2) Uses Subject to a Conditional Use Permit. The following uses are permitted conditionally in the NR zone:

- (a) Nature interpretive centers and wetland research facilities, when such centers or facilities are specified in or consistent with adopted plans or policies.
- (b) Maintenance facilities for storage of equipment and materials used exclusively for maintenance of wetlands and other natural resource areas.

Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19), in addition to EC 9.8090 Conditional Use Permit Approval Criteria -General/Discretionary.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called “General/Discretionary.”

Public Land Zone

9.2687 Special Standards for Table 9.2686.

- (1)** Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.8030(1) of this land use code. Modifications may be approved through a planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.”

Residential Zones

9.2751 Special Development Standards for Table 9.2750.

- (2)** Maximum building height, minimum building setbacks, and maximum building dimensions may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of

Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.”

9.2761 Special Standards for Table 9.2760.

(1) Lot Standards.

- (c) Lot area, frontage, and width minimums may be modified with an approved cluster subdivision in R-1 or Planned Unit Development (PUD) in any zone, ***or with an approved adjustment review associated with an approved planned unit development in any zone.***

This change is related to COM-05 (Planned Unit Development Adjustment/Modification). Change needed to retain the ability to adjust these standards under a discretionary adjustment review option as the existing PUD allowance to modify them by showing consistency with the purpose of PUD (EC 9.8300) is proposed to be removed.

Downtown Westside Special Area Zone

9.3216 Special Development Standards for Table 9.3215.

- (1)** Maximum building height, minimum building setbacks, and maximum building dimensions may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.”

9.3221 Special Standards for Table 9.3220.

- (1)** Lot area, frontage, and width minimums may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.”

Jefferson Westside Special Area Zone

9.3626 **Special Development Standards for Table 9.3625.**

- (9) Maximum building height and minimum building setbacks may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - [General] ***Discretionary*** or EC 9.8325 ***Tentative Planned Unit Development Approval Criteria - Clear and Objective.***)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective."

Riverfront Park Special Area Zone

9.3725 **S-RP Riverfront Park Special Area Zone Review Procedures.** The master site plan for developments proposed within the S-RP zone shall be reviewed through the conditional use permit process provided in this land use code. For the purpose of this review, the following criteria shall be applied in lieu of the criteria provided in EC 9.8090 Conditional Use Permit Approval Criteria - General/***Discretionary***.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called "General/Discretionary."

Wetland Buffer Overlay Zone

9.4830 **/WB Wetland Buffer Overlay Zone Land Use and Permit Requirements.** Within the /WB overlay zone, there are 2 categories of uses: those allowed by the base zone or special area zone outside of the /WB area, and a more restrictive list of uses allowed within the /WB area.

(2) **Within /WB Areas:**

- (c) **Uses Permitted Conditionally.** The following uses are permitted conditionally in the /WB overlay zone:
1. Nature interpretive centers, when specified in or consistent with adopted plans or policies.
 2. Maintenance facilities for storage of equipment and materials used exclusively for maintenance and management of wetlands and natural areas.

Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19) in addition to the conditional use criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria – General/***Discretionary***.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called "General/Discretionary."

Telecommunication Facilities

9.5750 Telecommunication Devices-Siting Requirements and Procedures.

- (2) **Siting Restricted.** No telecommunication facility, as defined in this land use code, may be constructed, modified to increase its height, installed or otherwise located within the city except as provided in this section. Depending on the type and location of the telecommunication facility, the telecommunication facility shall be either an outright permitted use, subject to site review procedures, or require a conditional use permit.
- (b) Site Review. A telecommunication facility which, pursuant to subsections (3) through (5) of this section, is subject to site review shall be processed in accordance with the site review procedures of this land use code. The criteria contained in this section, as well as the criteria contained in EC 9.8440 Site Review Approval Criteria – General/Discretionary, shall govern approval or denial of the site review application. In the event of a conflict in criteria, the criteria contained in this section shall govern. No development permit shall be issued prior to completion of the site review process, including any local appeal.
- (c) Conditional Use Permit. A telecommunication facility which, pursuant to subsections (4) or (5) of this section, requires a conditional use permit shall be processed in accordance with the conditional use permit procedures of this land use code, except that the variance provisions shall not apply. The criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria –General/Discretionary and subsections (6) and (7) of this section shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria contained in subsections (6) and (7) of this section shall govern. No development permit shall be issued prior to completion of the conditional use permit process, including any local appeal.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called “General/Discretionary.”

General Standards for All Development

9.6010 Applications Proposing [Needed] Housing.

- (1) As used in EC chapter 9.6000, the term “applications proposing ~~[needed]~~ housing **to be reviewed with clear and objective approval criteria**” includes:
- (a) Applications that are proceeding (or have proceeded) under EC 9.8100, 9.8220, 9.8325, 9.8445, or 9.8520; or
- (b) Applications for **housing** developments ~~[permits]~~ for **residential** uses permitted outright in the subject zone that are **entitled to clear and objective standards pursuant to state statutes** ~~[proposed housing is needed housing as defined by state statutes]~~.
- (2) The term does not include an application that could have proceeded under EC 9.8100, 9.8220, 9.8325, 9.8445, or 9.8520, but the applicant elected to proceed under the discretionary approval process.

The changes listed above are related to COM-12 (Review Track Renaming). The changes revise and clarify references in the general standards contained in EC chapter 9.6000 that only apply to proposals reviewed under the clear and objective approval criteria.

“needed housing” → “housing to be reviewed with clear and objective approval criteria”

9.6710 Geological and Geotechnical Analysis.

(6) [Needed] Housing. Unless exempt under 9.6710(3)(a)-(f), in lieu of compliance with subsections (2), (4), and (5) of this section, applications proposing [needed]housing ***to be reviewed with clear and objective approval criteria*** shall include a certification from an Oregon licensed Engineering Geologist or an Oregon licensed Civil Engineer with geological experience stating:

9.6815 Connectivity for Streets.

(2) Street Connectivity Standards.

(e) Except for applications proposing [needed] housing ***to be reviewed with clear and objective approval criteria***, all applicants shall show that the proposed street alignment shall minimize excavation and embankment and avoid impacts to natural resources, including water-related features.

9.6845 Special Safety Requirements. Except for applications proposing [needed] housing ***to be reviewed with clear and objective approval criteria***, where necessary to insure safety, reduce traffic hazards and promote the welfare of the general public, pedestrians, bicyclists and residents of the subject area, the planning director or public works director may require that local streets and alleys be designed to discourage their use by non-local motor vehicle traffic and encourage their use by local motor vehicle traffic, pedestrians, bicyclists, and residents of the area.

9.6865 Transit Facilities.

- (1)** Except for applications proposing [needed] housing ***to be reviewed with clear and objective approval criteria***, the city manager may require provisions, including easements, for transit facilities where future transit routes are required on streets extending through or adjacent to the area of the development, and where a need for bus stops, bus pullouts or other transit facilities within the development has been identified, provided the city makes findings to demonstrate consistency with constitutional requirements.
- (2)** Except for applications proposing [needed] housing ***to be reviewed with clear and objective approval criteria***, where the provision of transit stops, bus pullouts or other facilities along a public street requires a right-of-way or paving width greater than that listed in Table 9.6870 Right-of-Way and Paving Widths and where a need for transit service within the development has been identified, the planning director or public works director, depending upon the type of application being processed, may require that additional right-of-way or paving be provided.

The changes listed above are related to COM-12 (Review Track Renaming). The changes revise and clarify references in the general standards contained in EC chapter 9.6000 that only apply to proposals reviewed under the clear and objective approval criteria.

“needed housing” → “housing to be reviewed with clear and objective approval criteria”

9.6885 Tree Preservation and Removal Standards.

- (3) Adjustment to Standards.** Except for applications being processed under EC 9.8100 Conditional Use Permit Approval Criteria - [Needed] Housing/Clear and Objective, EC 9.8325 Tentative Planned Unit Development Approval Criteria - [Needed] Housing /Clear and Objective, EC 9.8445 Site Review Approval Criteria – [Needed] Housing /Clear and Objective, or EC 9.8520 Subdivision, Tentative Plan

Approval Criteria - ~~[Needed]~~ Housing ***/Clear and Objective***, adjustments to these standards may be made, subject to compliance with the criteria for adjustment in EC 9.8030(13) Tree Preservation and Removal Standards Adjustment.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective."

Application Procedures

9.7007 **Neighborhood/Applicant Meetings.**

- (1) This section applies to the following types of applications:
- (a) Type II: 3-lot partitions, tentative subdivisions, tentative cluster subdivisions and design reviews, ***except for 3-lot partitions and tentative subdivisions that implement an approved tentative planned unit development,***
 - (b) Type III: Only conditional use permits and tentative planned unit developments;
 - (c) Type IV applications that are not city-initiated;
 - (d) Metro Plan amendments that are not city-initiated.
 - (e) Within the /CL Clear Lake Overlay zone: development permits for a new building, change of use, building expansion that exceeds 25 percent of the existing building square footage on the development site, and land use applications (except Type I applications).

This change is related to COM-14 (Duplicate Neighborhood/Applicant Meeting) and would provide an exception for subdivisions and partitions when processed in conjunction with a planned unit development.

Application Requirements and Criteria

- 9.8045 **Applicability of Cluster Subdivisions.** Cluster subdivision provisions shall be applied when requested by the property owner and when the proposed subdivision meets the definition of cluster subdivision in section 9.0500 of this land use code. A subdivision application proposing ~~[needed housing, as defined in state statutes,]~~ ***housing to be reviewed with clear and objective approval criteria*** shall be processed pursuant to EC 9.8520 **Subdivision, Tentative Plan Approval Criteria – ~~[Needed]~~ Housing/*Clear and Objective*.** No development permit shall be issued by the city prior to approval of the cluster subdivision.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective."

- 9.8055 **Cluster Subdivision- Approval Criteria – General/*Discretionary*.** The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval or approval with conditions shall be based on the following:
- (1) The proposed subdivision complies with:

- (a) EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/**Discretionary** except for the standards related to EC 9.2760 Residential Zone Lot Standards; and

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called "General/Discretionary."

9.8085 Conditional Use Permit Application Requirements.

- (1) Conditional use applications shall be processed in accordance with the application procedures contained in EC 9.7000 through 9.7835, Application Procedures.
- (2) When a conditional use permit is required for the proposed use, no development permit application shall be accepted by the city until the hearings official or planning commission approves the conditional use permit, and then only in accordance with the terms and conditions of that conditional use permit.
- (3) If the proposal includes ~~[needed housing, as defined by state law]~~ **housing**, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the ~~[general]~~ **discretionary** approval criteria in EC 9.8090 Conditional Use Permit Approval Criteria – General/**Discretionary** instead of the approval criteria found in EC 9.8100 Conditional Use Permit Approval Criteria – ~~[Needed] Housing/Clear and Objective.~~

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." It also revises subsection (3) consistent with state law that proposals including housing, not just needed housing, are entitled to clear and objective approval criteria.

- 9.8090 Conditional Use Permit Approval Criteria – General/**Discretionary**.** A conditional use permit shall be granted only if the proposal conforms to all of the following criteria:

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called "General/Discretionary."

- 9.8100 Conditional Use Permit Approval Criteria- ~~[Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,~~ the**
hearings official shall approve, conditionally approve, or deny the conditional use permit application~~[- Unless the applicant elects to use the general criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria – General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a conditional use]~~ based on compliance with the following criteria:

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." This change also clarifies that this section is only applicable to "housing applications entitled to clear and objective review pursuant to state statute."

- (1) ~~[The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.]~~ **Hold for new compatibility criterion.**

This change is related to COM-01 (Needed Housing Criterion). Changes to recent state law mean that housing, not just needed housing, is entitled to clear and objective standards. This change would remove the requirement that the applicant demonstrate that the proposed housing is needed housing, consistent with the change to state law. Subsection (1) will be held for the new compatibility criterion related to COS-01 (Clear & Objective Compatibility). While COS-01 was part of Batch 1 concepts, draft code changes will be available along with Batch 2 code changes as it required more time.

- (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with ~~[all of the following:~~
- ~~(a) The proposal complies with]~~ ***the provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards.***
 - ~~[(b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected. Protection shall include the area of the resource and a minimum 50 foot buffer around the perimeter of the natural resource area.]~~

This change is related to COM-09 (Natural Resource Protection Requirement). The proposed change revises the criterion to removes subsection (b) per the recommendation outlined in the Draft Preferred Concepts Report.

- (4) The proposal complies with all ~~[applicable standards, including, but not limited to:~~
- (a) ***EC 9.2000 through EC 9.4170 regarding lot dimensions and density requirements for the subject zone and overlay zone.***
 - (b) ***EC 9.6500 through EC 9.6505 Public Improvement Standards.***
Renumber remaining subsections
 - (i) ***EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.***
 - (j) ***All other applicable development standards for features explicitly included in the application.***
 - (ik) An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

This change to subsection (a) is related to COM-02 (Applicable Standards Reference for CUPs) and would add clarity around which development standards apply; and COM-04 (Overlay Zone Standards) as it would extend the range of the referenced code sections to include all overlay zones.

The changes to subsections (b), (i), and (j) are related to COM-02 (Applicable Standards Reference for CUPs) and would require compliance with additional development standard.

- (5) Public improvements as required by this land use code or as a condition of ~~[tentative plan]~~ approval ***will be*** ~~[have been]~~ completed ***prior to issuance of a development permit***, or:
- (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the

- completion of all required public improvements; or
- (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the conditional use permit, and the petition has been accepted by the city engineer.

This change is related to COM-03 (Bonding Requirement). The proposed change revises the timing of the requirement for completion or bonding of public improvements to prior to issuance of a development permit.

- (6) ***If the standards addressed under EC 9.8100(4) require a public street, or if the applicant proposes the creation of a public street, the proposal will provide pedestrian and bicycle circulation within the development site, as well as to adjacent residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks located within ¼ mile radius of the development site, provided the city makes findings to demonstrate consistency with constitutional requirements.***

This change is related to COM-16 (Off-Site Bike/Ped Connections). The proposed change adds a requirement that already applies to partitions, subdivisions, and planned unit developments. Minor revision to add clarity to the requirement is also proposed.

- (7) ***The applicant has submitted a letter from the Eugene/Springfield Fire Marshal's office stating that the proposed partition complies with the applicable Eugene Fire Code (2014) requirements regarding fire apparatus access roads and fire protection water supply, or will comply subject to conditions of approval that are specified in the letter.***

This change is related to COS-08 (Emergency Response). The proposed criterion would require a letter from the Fire Marshal's office to address Emergency Response concerns regarding fire apparatus access and fire protection water supply.

9.8105 Conditional Use Permits within the NR Natural Resource Zone or /WB Wetland Buffer Overlay Zone.

- (2) **Criteria for Hearings Official Approval.** Applications for conditional use permits within the NR natural resource zone or /WB wetland buffer overlay zone shall be processed and scheduled for public hearings in the same manner as other conditional use permit applications, except that NR standards (2) through (19) listed in EC 9.2530 Natural Resource Zone Development Standards shall be considered as additional criteria along with the criteria listed in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called "General/Discretionary."

9.8205 Applicability of Partition, Tentative Plan Applications.

- (1) Requests to create 2 or 3 parcels shall be subject to the partition provisions of this land use code, following a Type II application procedure.
- (2) A ***tentative plan application to partition land*** ~~[application that also involves a PUD request]~~ may ***be submitted and reviewed concurrently with the*** ~~[not be submitted until a decision on the]~~ tentative PUD ***application following a Type III application procedure*** ~~[approval is final]~~. ***If a partition application that also involves a PUD request is not submitted concurrently with the tentative PUD, the partition application may not be submitted until a tentative PUD is approved.*** (Refer to EC 9.8305 Applicability.)
- (3) ***If the partition tentative plan application is not reviewed concurrently with the tentative PUD, No*** development permit shall be issued by the city prior to approval of the tentative partition application. ***If the tentative partition is reviewed concurrently with the tentative PUD application, no development permit shall be issued by the city prior to approval of the final PUD application.***

This change is related to COM-11 (PUD/Subdivision Concurrent Review). The proposed revisions would allow concurrent review of tentative partition applications when the proposal also involves a PUD.

9.8210 Partition, Tentative Plan Application Requirements. In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to partition tentative plan applications:

- (4) If the proposal includes ~~[needed housing, as defined by State statutes]~~ ***housing***, the written statement submitted with the partition application shall clearly state whether the applicant is electing to use the ~~[general]~~ ***discretionary*** approval criteria in EC 9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary instead of the approval criteria found in EC 9.8220 Partition, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." It also replaces the term "needed housing" with "housing," consistent with state law that proposals including housing, not just needed housing, are entitled to clear and objective approval criteria.

9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary. The planning director shall approve, approve with conditions, or deny a partition, with findings and conclusions. Approval, or approval with conditions, shall be based on compliance with the following criteria:

9.8220 Partition, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective. ***Unless the applicant elects to use the discretionary criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,*** ~~the~~ planning director shall approve, conditionally approve, or deny the partition application. ~~[Unless the applicant elects to use the general criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by State statutes, the planning director shall approve or approve with conditions a partition]~~ based on compliance with the following criteria:

~~[(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.] *Renumber remaining subsections.*~~

These changes are related to COM-12 (Review Track Renaming) and revise code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." This change also clarifies that this section is only applicable to "housing applications entitled to clear and objective review pursuant to state statute."

It also relates to COM-01 (Needed Housing Criterion) as it removes subsection (1), the requirement to demonstrate that housing is 'needed housing,' consistent with state law that proposals including housing, not just needed housing, are entitled to clear and objective approval criteria.

(21) The proposed partition complies with all of the following:

- (a) ~~[Lot standards of]EC 9.2000 through [9.3980]~~ **9.4170** regarding applicable parcel dimensions and density requirements **for the subject zone and overlay zone.** Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
- (k) ~~[EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.]~~
Renumber remaining subsection
Renumber remaining subsections

This change to subsection (a) is related to COM-04 (Overlay Zone Standards) as it would extend the range of the referenced code sections to include all overlay zones.

The change to subsection (k) is related to COS-10 (Partition Tree Preservation) and proposes removal of the criterion.
*Note that this removal is consistent with the discretionary track alternative which does not require tree preservation for partitions.

~~[(4) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.] *Renumber remaining subsections*~~

This change to subsection (a) is related to COM-07 (Access Management Requirement) and would remove the criterion (this criterion is redundant and unnecessary as other jurisdictional agencies already have the authority to require compliance with their guidelines).

- (53)** If the provisions of EC 9.8220(2) require a public street, or if the applicant proposes the creation of a public street, the following criteria also apply:
- (a) The proposed land uses and densities within the partition are consistent with the land use designation(s) shown on the comprehensive plan diagram, as refined in any applicable refinement plan.
 - (b) Provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can

reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.

~~[(c) The street layout of the proposed partition shall disperse motor vehicle traffic onto more than one public local street when the sum of proposed partition parcels and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

- (4) ***The applicant has submitted a letter from the Eugene/Springfield Fire Marshal's office stating that the proposed partition complies with the applicable Eugene Fire Code (2014) requirements regarding fire apparatus access roads and fire protection water supply, or will comply subject to conditions of approval that are specified in the letter.***

The changes above are related to COS-14 (19 Lot Rule—Motor Vehicle Dispersal) and COS-08 (Emergency Response). The proposed replacement of (c) with the new criterion at subsection (4), that would require a letter from the Fire Marshal's office, is necessary as the Land Use Board of Appeals determined that (c) is not clear and objective.

9.8310 Tentative Planned Unit Development General Application Requirements.

- (5) **[Needed] Housing.** If the proposal includes ~~[needed housing, as defined by State statutes]~~ ***housing***, the written statement submitted with the PUD application shall clearly state whether the applicant is ***proceeding under: (a)[electing to use] the [general] approval criteria in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General/Discretionary; or (b) [instead of] the approval criteria [found] in EC 9.8325 Tentative Planned Unit Development Approval Criteria- [Needed] Housing/Clear and Objective.***

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." It also replaces the term "needed housing" with "housing," consistent with state law that proposals including housing, not just needed housing, are entitled to clear and objective approval criteria.

- 9.8320 Tentative Planned Unit Development Approval Criteria- General/Discretionary.** The hearings official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions. Decisions approving an application, or approving with conditions, shall be based on compliance with the following criteria:

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called "General/Discretionary."

- 9.8325 Tentative Planned Unit Development Approval Criteria – [Needed] Housing/Clear and Objective.** ***Unless the applicant elects to use the discretionary criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,*** ~~the hearings official shall approve, conditionally approve, or deny the PUD application [with findings and conclusions. Unless the~~

applicant elects to use the general criteria contained in EC 9.8320 ~~Tentative Planned Unit Development Approval Criteria—General~~, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions, a PUD] based on compliance with the following criteria:

These changes are related to COM-12 (Review Track Renaming) and revise code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.” This change also clarifies that this section is only applicable to “housing applications entitled to clear and objective review pursuant to state statute.”

~~[(1) The applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.]~~ **Hold for new compatibility criterion.**

This change is related to COM-01 (Needed Housing Criterion). Changes to recent state law mean that housing, not just needed housing, is entitled to clear and objective standards. This change would remove the requirement that the applicant demonstrate that the proposed housing is needed housing, consistent with the change to state law. Subsection (1) will be held for the new compatibility criterion related to COS-01 (Clear & Objective Compatibility). While COS-01 was part of Batch 1 concepts, draft code changes will be available along with Batch 2 code changes as it required more time.

- (4) For areas not included on the city’s acknowledged Goal 5 inventory, the PUD preserves existing natural resources by compliance with [all of the following:
- ~~(a) The provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards, [(not subject to modifications set forth in subsection (11) below)].~~
 - ~~[(b) Natural resource areas designated on the comprehensive plan diagram as “Natural Resource” are protected.]~~

This change is related to COM-09 (Natural Resource Protection Requirement). The proposed change revises the criterion to removes subsection (b) per the recommendation outlined in the Draft Preferred Concepts Report.

- (6) The PUD provides safe and adequate transportation systems through compliance with all of the following:

~~[(c) The street layout of the proposed PUD shall disperse motor vehicle traffic onto more than one public local street when the PUD exceeds 19 lots or when the sum of proposed PUD lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

This change is related to COS-14 (19 Lot Rule—Motor Vehicle Dispersal) and COS-08 (Emergency Response). The proposed replacement of (c) with the new criterion at subsection (11) below, that would require a letter from the Fire Marshal’s office, is necessary as the Land Use Board of Appeals determined that (c) is not clear and objective.

- (7) The PUD complies with all of the following:
- (a) EC 9.2000 through ~~[9.3980]~~ **9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay

Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

(k) All applicable development standards explicitly addressed in the application.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

The change to subsection (a) is related to COM-04 (Overlay Zone Standards) as it would extend the range of the referenced code sections to include all overlay zones.

The addition of subsection (k) is related to COM-05 (Planned Unit Development Adjustment/Modification). The proposed change would remove the modification allowance currently allowed under subsection (11) below (text to be deleted), but retain the ability to use approved adjustments to show compliance with applicable standards.

- (10)** Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards ~~[(these standards may be modified as set forth in subsection (11) below)].~~

This change is related to COM-05 (Planned Unit Development Adjustment/Modification). The proposed change removes the modification allowance currently allowed under subsection (11) below (text to be deleted). Exceptions and exemptions to these requirements are allowed per EC 9.2790(3) and (4), respectively.

- (11)** ~~[The PUD complies with all applicable development standards explicitly addressed in the application except where the applicant has shown that a modification is consistent with the purposes as set out in EC 9.8300 Purpose of Planned Unit Development.]~~ ***The applicant has submitted a letter from the Eugene/Springfield Fire Marshal's office stating that the proposed development complies with the applicable Eugene Fire Code (2014) requirements regarding fire apparatus access roads and fire protection water supply, or will comply subject to conditions of approval that are specified in the letter.***

This change is related to COS-14 (19 Lot Rule—Motor Vehicle Dispersal) and COS-08 (Emergency Response). The proposed replacement of (6)(c) above with this new criterion at subsection (11), that would require a letter from the Fire Marshal's office, is necessary as the Land Use Board of Appeals determined that (6)(c) is not clear and objective.

9.8360 Planned Unit Development, Final Plan Application Requirements. In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to PUD final plan applications:

- ~~[(4) Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:~~
~~(a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or~~

- (b) ~~A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.]~~

This change is related to COM-03 (Bonding Requirement). The proposed change would make this requirement an approval criterion rather than an application requirement.

- 9.8365 Final Planned Unit Development Approval Criteria.** The planning director shall approve, approve with conditions, or deny a final PUD application, ***based on compliance with the following criteria:*** ~~Approval shall include a finding that the final PUD plan conforms with the approved tentative PUD plan and all conditions attached thereto.]~~
- (1) ***The final PUD plan conforms with the approved tentative PUD plan and all conditions attached thereto.***
 - (2) ***For final PUDs not associated with a land division, public improvements as required by this land use code or as a condition of tentative plan approval will be completed prior to issuance of a development permit, or:***
 - (a) ***A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or***
 - (b) ***A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.***

This change is related to COM-03 (Bonding Requirement). The proposed change would make this requirement an approval criterion rather than an application requirement.

- 9.8440 Site Review Approval Criteria- General/Discretionary.** The planning director shall approve, conditionally approve, or deny the site review application. Approval or conditional approval shall be based on compliance with the following criteria:

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called "General/Discretionary."

- 9.8445 Site Review Approval Criteria- [Needed] Housing/Clear and Objective.** **Unless the applicant elects to use the discretionary criteria contained in EC 9.8440 Site Review Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,** ~~the planning director shall approve, conditionally approve, or deny the site review application. [Unless the applicant elects to use the general criteria contained in EC 9.8440 Site Review Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve, or approve with conditions, a site review]~~ based on compliance with the following criteria:

These changes are related to COM-12 (Review Track Renaming) and revise code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." This change also clarifies that this section is only applicable to "housing applications entitled to clear and objective review pursuant to state statute."

- ~~[(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.] *Hold for new compatibility criterion.*~~

This change is related to COM-01 (Needed Housing Criterion). Changes to recent state law mean that housing, not just needed housing, is entitled to clear and objective standards. This change would remove the requirement that the applicant demonstrate that the proposed housing is needed housing, consistent with the change to state law. Subsection (1) will be held for the new compatibility criterion related to COS-01 (Clear & Objective Compatibility). While COS-01 was part of Batch 1 concepts, draft code changes will be available along with Batch 2 code changes as it required more time.

- (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with ~~[all of the following:~~
(a) ~~The proposal complies with]~~ **the provisions of** EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.
(b) ~~Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected.]~~

This change is related to COM-09 (Natural Resource Protection Requirement). The proposed change revises the criterion to removes subsection (b) per the recommendation outlined in the Draft Preferred Concepts Report.

- (4) The proposal complies with all of the following ~~[standards]:~~
(a) EC 9.2000 through ~~[9.3980]~~ **9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone**.
(b) **EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.**

**Renummer remaining subsections*

The change to subsection (a) is related to COM-04 (Overlay Zone Standards) as it would extend the range of the referenced code sections to include all overlay zones.

The proposed addition of subsection (b) is related to COM-13 (Site Review Street Standards).

- (5) Public improvements as required by this land use code or as a condition of ~~[tentative plan]~~ approval **will be** ~~[have been]~~ completed **prior to issuance of a development permit**, or:
(a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
(b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.

This change is related to COM-03 (Bonding Requirement). The proposed change revises the timing of the requirement for completion or bonding of public improvements to prior to issuance of a development permit.

- (6) ***If the standards addressed under EC 9.8100(4) require a public street, or if the applicant proposes the creation of a public street, the proposal will provide pedestrian and bicycle circulation within the development site, as well as to adjacent residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks located within ¼ mile radius of the development site, provided the city makes findings to demonstrate consistency with constitutional requirements.***

This change is related to COM-16 (Off-Site Bike/Ped Connections). The proposed change adds a requirement that already applies to partitions, subdivisions, and planned unit developments. Minor revision to add clarity to the requirement has also been proposed.

- (7) ***The applicant has submitted a letter from the Eugene/Springfield Fire Marshal's office stating that the proposed development complies with the applicable Eugene Fire Code (2014) requirements regarding fire apparatus access roads and fire protection water supply, or will comply subject to conditions of approval.***

This change is related to COS-08 (Emergency Response). The proposed criterion would require a letter from the Fire Marshal's office to address Emergency Response concerns regarding fire apparatus access and fire protection water supply.

9.8505 Applicability of Subdivision, Tentative Plan Applications.

- (1) Requests to create 4 or more lots shall be subject to the subdivision provisions of this land use code under a Type II application process.
- (2) ***A tentative plan application to subdivision land may be submitted and reviewed concurrently with the [application that also involves a PUD request may not be submitted until a decision on the] tentative PUD application following a Type III application procedure [approval is final]. If a subdivision application that also involves a PUD request is not submitted concurrently with the tentative PUD, the subdivision application may not be submitted until a tentative PUD is approved. (Refer to EC 9.8305 Applicability.)***
- (2) ***If the subdivision tentative plan application is not reviewed concurrently with the tentative PUD, No development permit shall be issued by the city prior to approval of the tentative subdivision tentative plan application. If the tentative subdivision is reviewed concurrently with a PUD application, no development permit shall be issued by the city prior to approval of the final PUD application.***

This change is related to COM-11 (PUD/Subdivision Concurrent Review). The proposed revisions would allow concurrent review of tentative subdivision applications when the proposal also involves a PUD.

9.8510 Subdivision, Tentative Plan Application Requirements. In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to tentative subdivision plan applications:

- (5) If the proposal includes ~~[needed housing, as defined by State statutes]~~ **housing**, the written statement submitted with the subdivision application shall clearly state whether the applicant is electing to use the ~~[general]~~ **discretionary** approval criteria in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary instead of the approval criteria found in EC 9.8520 Subdivision, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." It also replaces the term "needed housing" with "housing," consistent with state law that proposals including housing, not just needed housing, are entitled to clear and objective approval criteria.

- 9.8515 Subdivision, Tentative Plan Approval Criteria – General/Discretionary.** The planning director shall approve, approve with conditions, or deny a proposed subdivision. Approval, or approval with conditions shall be based on compliance with the following criteria:
- (2) Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto, based on the provisions of this land use code. For subdivisions involving phasing, it shall be demonstrated that each sequential phase will maintain consistency with the provisions of EC 9.8515 Tentative Subdivision Approval Criteria – General/Discretionary.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called "General/Discretionary."

- 9.8520 Subdivision, Tentative Plan Approval Criteria – ~~[Needed] Housing/Clear and Objective~~.** Unless the applicant elects to use the discretionary criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute, the planning director shall approve, conditionally approve, or deny the subdivision application. ~~[Unless the applicant elects to use the general criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision]~~ based on compliance with the following criteria:

- ~~[(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.]~~ **Renumber remaining subsections**

These changes are related to COM-12 (Review Track Renaming) and revise code references to the currently named General and Needed Housing approval criteria. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." This change also clarifies that this section is only applicable to "housing applications entitled to clear and objective review pursuant to state statute."

It also relates to COM-01 (Needed Housing Criterion) as it removes subsection (1), the requirement to demonstrate that housing is 'needed housing,' consistent with state law that proposals including housing, not just needed housing, are entitled to clear and objective approval criteria.

- (3) The proposed subdivision complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
- (a) EC 9.2000 through ~~9.3980~~ **9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

The change to subsection (a) is related to COM-04 (Overlay Zone Standards) as it would extend the range of the referenced code sections to include all overlay zones.

- (6) The proposed subdivision provides ~~[safe and adequate transportation systems through compliance with the following:]~~ **for the**
- ~~[(a)—P]~~ **P** provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. “Nearby” means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.
 - ~~[(b)—The street layout of the proposed subdivision shall disperse motor vehicle traffic onto more than one public local street when the subdivision exceeds 19 lots or when the sum of proposed subdivision lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

This change is related to COS-14 (19 Lot Rule—Motor Vehicle Dispersal) and COS-08 (Emergency Response). The proposed replacement of (b) with the new criterion at subsection (11) below, that would require a letter from the Fire Marshal’s office, is necessary as the Land Use Board of Appeals determined that (c) is not clear and objective.

- (7) For areas not included on the city’s acknowledged Goal 5 inventory, the subdivision will preserve existing natural resources by compliance with ~~[all of the following:]~~
- ~~(a)—The proposal complies with]~~ **the provisions of** EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.
 - ~~[(b)—Natural resource areas designated on the comprehensive plan diagram as “Natural Resource.”]~~

This change is related to COM-09 (Natural Resource Protection Requirement). The proposed change revises the criterion to removes subsection (b) per the recommendation outlined in the Draft Preferred Concepts Report.

- (11) ***The applicant has submitted a letter from the Eugene/Springfield Fire Marshal's office stating that the proposed partition complies with the applicable Eugene Fire Code (2014) requirements regarding fire apparatus access roads and fire protection water supply, or will comply subject to conditions of approval.***

This change is related to COS-14 (19 Lot Rule—Motor Vehicle Dispersal) and COS-08 (Emergency Response). The proposed replacement of (6)(b) above with this new criterion at subsection (11), that would require a letter from the Fire Marshal’s office, is necessary as the Land Use Board of Appeals determined that (6)(b) is not clear and objective.